

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION – COLUMBUS

MICHAEL HOFFMAN, ET AL.,

Plaintiffs,

vs.

GROUND FLIGHT INC., ET AL.

Defendants.

CASE NO. 2:21-CV-02277

(REMOVED FROM COURT OF COMMON
PLEAS, FRANKLIN COUNTY, OHIO,
CASE NO. 20 CV 005373)

JUDGE

NOTICE OF REMOVAL BY
DEFENDANT GROUND FLIGHT, INC.

Defendant Ground Flight, Inc. (hereinafter “Ground Flight”), by and through its undersigned counsel, and pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, hereby gives notice of the removal of the above-referenced matter from the Common Pleas Court of Franklin County, Ohio, in which it is now pending, to the United States District Court for the Southern District of Ohio, Eastern Division.

1. This is a personal injury action that was filed in the Common Pleas Court of Franklin County, Ohio on August 14, 2020, bearing Case No. 20 CV 005373.

2. Plaintiffs filed a First Amended Complaint on November 20, 2020.

3. The First Amended Complaint named two defendants: Ground Flight and L. Brands, Inc.

4. Plaintiffs Michael Hoffman and Christy Hoffman are Ohio citizens who reside in Reynoldsburg, Ohio.

5. Defendant Ground Flight Stores, Inc. is a Missouri corporation with its principal place of business in Missouri. As such, Ground Flight Stores, Inc. is a citizen of Missouri.

6. L. Brands, Inc. is an Ohio corporation with its principal place of business in Ohio. For this reason, the case was not subject to removal when the Complaint and First Amended Complaint were filed.

7. On April 21, 2021, the Court issued an order granting Defendant L. Brands, Inc.'s Motion to Dismiss. As of April 21, 2021, L. Brands, Inc. is no longer a party to the lawsuit.

8. As of April 21, 2021, there is complete diversity between the parties to this lawsuit.

9. Plaintiffs allege in Paragraph 111 of their First Amended Complaint that Plaintiff Michael Hoffman "has suffered general, special, incidental, and consequential damages as the direct and proximate result of the acts and omissions of the Defendants, in an amount which shall be fully proven at the time of trial. These damages include, but are not limited to: damages for general pain and suffering; damages for loss of enjoyment of life, both past and future; past medical and medical-related expenses which; to date, exceed \$160,000.00, future medical and medical-related expenses; travel and travel-related expenses, both past and future; lost earnings which, to date exceeds \$55,000; permanent impairment of his capacity to earn in an amount to be made certain prior to trial of this cause, permanent emotional anxiety and distress, including post-traumatic stress disorder both past and future; pharmaceutical expenses, past and future; and all other ordinary, incidental, or consequential damages that would or could be reasonably anticipated to arise under the circumstances." In light of this, the amount in controversy is more than \$75,000.00.

10. Pursuant to 28 U.S.C. 1441(b) and 28 U.S.C. 1332(a), this lawsuit may be removed from the Common Pleas Court of Franklin County, Ohio to the United States District Court For The Southern District of Ohio.

11. Defendant attaches hereto a copy of all process, pleadings and orders on file in said state proceeding and a copy of the Notice of Filing Notice of Removal which Defendant will serve upon Plaintiffs promptly after the filing of this Notice of Removal, pursuant to 28 U.S.C. § 1446(a). See Exhibit A.

12. Defendant will file a copy of the Notice of Removal with the Clerk of Common Pleas Court of Franklin County, Ohio immediately after filing hereof.

13. No further proceedings have commenced in this action in the Franklin County Court of Common Pleas.

Respectfully submitted,

/s/ Christopher E. Cotter

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Attorneys for Defendant Ground Flight, Inc.

PROOF OF SERVICE

I hereby certify that on this 5th day of May 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Further, the undersigned hereby certifies that the foregoing was served via email pursuant to Civ.R. 5(B)(2)(f) to the following:

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MICHAEL AND CHRISTY HOFFMAN

/s/ Christopher E. Cotter
One of the Attorneys for Defendant
Ground Flight, Inc.